

1 TO THE COURT, ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE THAT the parties respectfully request that the Court continue the
3 deadline to file dispositive motions to December 10, 2010. On September 2, 2010, the parties
4 informed the court in the Case Management Conference that they were still working toward a final
5 settlement agreement, and the court set an October 20, 2010 deadline to file dispositive motions.
6

7 Defendant owes outstanding principal of at least \$73,655, liquidated damages & interest
8 charges of at least \$202,843, and attorneys' fees of at least \$14,483 in, totaling at least \$290,981.
9 The parties had informally agreed to a payment plan wherein the Defendant agreed to pay its August
10 2010 principal of \$37,787 no later than the end of business on Friday, October 8, 2010. After that
11 payment, the Defendant would pay the remaining principal amounts within three months and pay
12 outstanding interest, attorneys' fees, and a portion of liquidated damages in the following three
13 months. The parties have not finalized this agreement due to an unexpected delay in payment by a
14 general contractor to the Defendant. Defendant expects to receive such payment by Friday, October
15 22, 2010. For these reasons, the parties respectfully request that in interests of judicial economy, the
16 Court continue the deadline to file dispositive motions to December 10, 2010. If they cannot reach a
17 settlement agreement, Plaintiffs will file a Motion for Summary Judgment by December 10, 2010.
18

19 Respectfully submitted,

20 Dated: October 20, 2010

21 **NEYHART, ANDERSON, FLYNN &
GROSBOLL**

22 By: /s/ Sonya M. Gordon
23 Sonya M. Gordon
24 Attorneys for Plaintiffs

25 Dated: October 20, 2010

26 **SWEENEY, MASON, WILSON &
BOSOMWORTH**

27 By: /s/ Roger Mason
28 Roger M. Mason
Attorneys for Defendant

[~~proposed~~] ORDER

The Court orders a continuance of the deadline to file dispositive motions, to December 10, 2010.

Dated: 10/22/10



PROOF OF SERVICE BY MAIL

I, the undersigned, declare:

I am employed in the City and County of San Francisco, State of California. I am over the age of 18 years and not a party to the within action; my business address is 44 Montgomery Street, Suite 2080, San Francisco, California 94104. On October 20, 2010, I served the within:

NOTICE RE: DISPOSITIVE MOTION

on the parties in said cause following our business practice, with which I am readily familiar. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid. I placed a true copy of the within document enclosed in a sealed envelope with first class postage thereon fully prepaid for collection and deposit on the date shown below in the United States mail at San Francisco, California addressed as follows:

Roeber's, Inc.
c/o Roger M. Mason, Esq.
Sweeney, Mason, Wilson & Bosomworth
983 University Avenue, Suite 104C
Los Gatos, CA 95032-7637

I declare under the penalty of perjury that the foregoing is true and correct, and that this declaration was executed on October 20, 2010, at San Francisco, California.

/s/ Sonya M. Gordon
Sonya M. Gordon